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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,943	07/27/2001	Hoi Yeung Chan	YOR920000717US1 (14033)	8815

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 12/23/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/916,943	CHAN ET AL.	
	Examiner	Art Unit	
	Joseph P. Hirl	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending in this application.

2. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

3. Examiner's Opinion: With the obligation to implement p 2 above, the concept of the invention maps to the prior art and therefore is anticipated by the prior art.

Specification

4. The specification is objected to because of the following:

Page 3, line 11, insert —to—after "used".

Page 4, line 11, delete second bracket set and insert —[]--.

Page 5, line 6, delete second bracket set..

These objections must be corrected.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The abstract has 198 words.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Clendinning et al (US Pub 2002/0107861, referred to as **Clendinning**).

Claims 1, 15

Clendinning anticipates a) communicating said rulesets to be merged over a distributed network to an assimilator service device for receiving each said ruleset (**Clendinning**, ps 0046, 0072-0075; Examiner's Note (EN: p 2 above applies; rulesets are synonymous with databases); b) providing a merge policy to said Assimilator device, said merge policy comprising a set of specifications of partially-ordered priorities and/or mutual exclusion constraints (**Clendinning**, p 0046); c) translating said rulesets into a common core representation capable of being implemented in any logic program rule engine provided in a rule-based application at any location (**Clendinning**, p 0046); d) assimilating said rulesets to produce a new merged ruleset comprising logic required for resolving potential conflicts among rules in accordance with said merge policy, where said new merged ruleset is in a common core representation capable of being implemented in any logic program rule engine provided in a rule based application at any location (**Clendinning**, ps 0046, 0072-0075); e) translating said new merged ruleset into one of said originating application's said rule format (**Clendinning**, p 0046); and f) communicating said translated new merged ruleset over said distributed network to the one of said originating applications (**Clendinning**, ps 0046, 0072-0075; EN: to this claim and those that follow, p 2 above applies; the Examiner has the obligation to interpret the claims broadly and simply stated, a ruleset can be considered a database).

Claim 2

Clendinning anticipates said assimilator device is employed to merge rulesets in two or more rule formats from two or more originating applications and communicate the translated new merged ruleset to one of said originating applications (**Clendinning**, ps 0046, 0072-0075).

Claims 3, 16

Clendinning anticipates assimilator device is employed for updating rules included in a first ruleset imported from a rules-editor device (**Clendinning**, p 0046, EN: all databases can be considered as having editing capability in as much as they are capable of changing their contents).

Claim 4

Clendinning anticipates assimilating step includes applying one or more logic mechanisms in said merge policy for identifying conflicts and resolving conflicts among said rules (**Clendinning**, p 0046).

Claim 5

Clendinning anticipates a logic mechanism includes a priority specification for expressing conflict resolution (**Clendinning**, p 0046).

Claim 6

Clendinning anticipates a logic mechanism includes mutual exclusion constraints (**Clendinning**, p 0046; EN: mutual exclusion means independence and an arbitrary integer is an example of an independent constraint).

Claim 7

Clendinning anticipates core representation includes a courteous logic program (**Clendinning**, p 0046; EN: courteous logic program implies prioritization of conflict situations such as described in the referenced paragraph).

Claims 8, 14

Clendinning anticipates distributed network is the Internet (**Clendinning**, 0072-0075).

Claim 9

Clendinning anticipates a communications network enabling the transmission and receipt of rulesets to be merged between said different locations (**Clendinning**, ps 0046, 0072-0075); a translator mechanism for translating each said ruleset from its rule format into a common core representation capable of being implemented in any logic program rule engine provided in a rule-based application at any location and for translating from said common core representation into each said originating application's rule format (**Clendinning**, ps 0046, 0072-0075); a conflict transformer mechanism for receiving each said ruleset and assimilating said rulesets to produce a new merged ruleset in accordance with a merge policy, said new merged ruleset comprising specification of a set of partiality-ordered priorities and/or mutual- exclusion constraints that comprise logic required for resolving potential conflicts among rules (**Clendinning**, ps 0046; p 2 above applies; rulesets are synonymous with databases; core product identifier is an arbitrary integer) and, device for translating said new merged ruleset into a common core representation capable of being implemented in any

logic program rule engine provided in a rule based application at any location
(**Clendinning**, ps 0046, 0072-0075).

Claim 10

Clendinning anticipates said new merged ruleset is produced in said common core representation, said transforming device converting said new merged ruleset into one of said originating formats (**Clendinning**, p 0046).

Claim 11

Clendinning anticipates said merge policy includes one or more logic mechanisms for identifying and resolving conflicts among said rules (**Clendinning**, p 0046).

Claim 12

Clendinning anticipates a logic mechanism includes a priority specification for expressing conflict resolution (**Clendinning**, p 0046).

Claim 13

Clendinning anticipates a logic mechanism includes mutual exclusion constraints for expressing conflict resolution (**Clendinning**, p 0046; EN: see comments of claim 6).

Claim 17

Clendinning anticipates after said assimilating step, a step of transforming said new merged ruleset from said common core representation back to an originating format (**Clendinning**, p 0046; p 0048; EN: a canonical representation is considered a form of an originating format).

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Claim 18

Clendinning anticipates assimilating step includes applying one or more logic mechanisms in said merge policy for identifying conflicts and resolving conflicts among said rules (**Clendinning**, p 0046).

Conclusion

8. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

Helgeson et al, US Pub 2002/0073236

Lipkin, US Pub 2002/0073080

Helgeson et al, USP 6,643,652

Bowman-Amuah, USP 6,640,244

Dwork, IEEE CH2980-1/91/0000-1371

9. Claims 1-18 are rejected.

Correspondence Information

10. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

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(703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

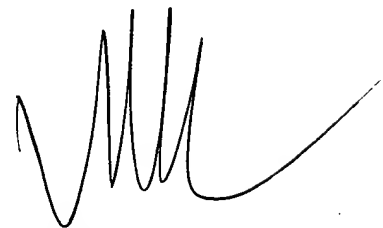
(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II
2121 Crystal Drive,
Arlington, Virginia.

Joseph P. Hirl

December 17, 2003

A handwritten signature in black ink, consisting of several sharp, vertical strokes followed by a long, sweeping horizontal line that curves upwards at the end.

ANIL KHATRI
SUPERVISORY PATENT EXAMINER